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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,055	01/22/2002	Tetsuya Sugimoto	009683-393	1789

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EXAMINER

SHENG, TOM V

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,055

Applicant(s)

SUGIMOTO, TETSUYA

Examiner

Tom V Sheng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 3 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, it is unclear if the value from the output portion (line 11) corresponds to one of the different values (line 7) assigned to the bit map data.

As to claims 3 and 10, it is not clear what the limitation is trying to further differentiate from the claim 1. Further clarifications in the claim on "at least a part of a first region" (line 2) and "a value corresponding to said one input region is assigned" (lines 5-6) are requested. Also, no further limitation is mentioned regarding a value corresponding to the second region.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1, 2, 4-6, 8, 9, 11 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyagawa et al. (US Patent 5732222).

As to claim 1, Miyagawa teaches an input data processing device (an integral-type display/input unit; figures 2 and 3; see column 4, lines 59-65) comprising:

a display unit (liquid crystal display 6) displaying display image data (initial screen as shown in fig. 10) showing a plurality of input regions (icons indicating candidate and party names or detailed information) representing a range of acceptable inputs of designation (these icons are selectable by pen 3), said designation being made for controlling a predetermined apparatus (election terminal apparatus; figure 1);

a memory unit (region data buffer 29 of RAM 13; figures 6 and 7) storing bit map data corresponding to said display image data (4 coordinate data corresponding to each icon in the initial screen), said bit map data including data corresponding to respective positions of said plurality of input regions to which different values are assigned respectively (processing form data 29e indicating the contents of an operation corresponding to the icon; see column 7, lines 33-39);

a position detecting portion (the tablet controller 10 detects the position designated by the pen 3; see column 5, lines 32-36) for detecting a position (X-Y coordinate) designated on said display unit on which said display image data is displayed; and

an output portion for outputting a value corresponding to the designated position detected by said position detecting portion, according to said bit map data (When a candidate icon is selected, corresponding vote count buffer is incremented by one. See

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figures 8 and 9 and column 7, line 40 to column 8, line 29 for details on detection and following operation).

Also, claim 8 is a method claim corresponding to device claim 1 and is rejected as analyzed. Claim 13 is a program claim corresponding to device claim 1 and method claim 8. This program is taught by Miyagawa as an application program for election stored in RAM 13. See figure 6 and column 6, line 42 to column 7, line 32.

As for claims 2, 9, Miyagawa teaches, besides figure 10, other possible initial screens (figures 55 and 60) having respective region data buffers that read on claimed plurality of bit map data.

As for claims 4 and 11, Miyagawa's assigned value is an instruction to cause a selected candidate's vote count buffer to increment by 1.

As for claim 5, Miyagawa's electrostatic transparent tablet 5 reads on claimed input unit. See figure 4 and column 5, lines 9-36 for details.

As for claim 6, Miyagawa's election terminal apparatus shows an image of a candidate requested, thus reads on claimed image forming apparatus.

As for claim 14, Miyagawa's application program reads on claimed computer program.

As for claim 15, Miyagawa's RAM 13 reads on claimed computer-readable storage medium.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagawa.

As to claims 3 and 10, different bit map data associated with different input regions is already analyzed as in claim 1. Miyagawa does not teach using different input region sizes for the candidates. However, it would have been obvious for one of ordinary skill in the art to use different sizes for the input regions if such a distinction is needed. For example, if both a council chairman and a council member are to be elected and are shown on the same initial screen, it would be one natural way to differentiate the two types of candidates simply by using a bigger size input region for a chairman candidate and a smaller size input region for a member candidate.

6. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagawa as applied to claims 1 and 6 above, and further in view of Toyama (US 2002/0030838 A1).

As for claims 7 and 12, Miyagawa's invention is an election terminal apparatus and has screen with input regions corresponding to candidates to be elected. Miyagawa does not teach input regions representing a plurality of paper-supply trays.

Toyama teaches an image-forming device (specifically a copying machine). The copier has an operation panel section 50 (figure 2) with a LCD unit 51 together with a touch panel (page 3, paragraph 71). When a key input screen is displayed, the user can press a specific key on the display to go to a SET COPY MODE and screen might change as a result (see figure 8 and page 5, paragraph 86). Specifically, paper size (which inherently refers to corresponding tray) is selected from a number of paper size icons (figure 24).

One of ordinary skill in the art would recognize the similarity in the input operation of Miyagawa and Toyama even though the apparatuses to be controlled are different. It would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate Miyagawa's input regions and selection method as analyzed in claims 1 and 8 into Toyama's copier because of the straightforward adaptability.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom V Sheng whose telephone number is (703) 305-6708. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Tom Sheng
November 15, 2003


KENT CHANG
PRIMARY EXAMINER